

Pro Se 1 (Rev. 09/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of

Case No.

2:16-cv-02401-APG-GWF

Kelly M. Landis*Plaintiff(s)*

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Luxor , et al*Defendant(s)*

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) Yes No

FILED	ENTERED	RECEIVED
SERVED ON	COUNSEL/PARTIES OF RECORD	
OCT 14 2016		
CLERK US DISTRICT COURT		
DISTRICT OF NEVADA		
BY:		DEPUTY

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Kelly M. Landis</u>
Street Address	<u>4329 Ranch Foreman Rd</u>
City and County	<u>Las Vegas</u>
State and Zip Code	<u>NV 89032</u>
Telephone Number	<u>702-286-6186</u>
E-mail Address	<u>stephanielandis@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	<u>LuxorResort and Casino</u>
Job or Title (<i>if known</i>)	

Street Address	<u>3800 Las Vegas Blvd, So</u>
City and County	<u>Las Vegas, Clark County</u>
State and Zip Code	<u>NV 890</u>
Telephone Number	<u>702-262-4000</u>
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	<u>Shannon Fitzmyer</u>
Job or Title (<i>if known</i>)	<u>Beverage Manager</u>
Street Address	<u>Las Vegas, Clark County</u>
City and County	<u>NV 89</u>
State and Zip Code	<u>702-262-4591</u>
Telephone Number	
E-mail Address (<i>if known</i>)	<u>sfitzmyer@luxor.com</u>

Defendant No. 3

Name	<u>Sujoy Brahma</u>
Job or Title (<i>if known</i>)	<u>Former Vice President of Food and Beverage</u>
Street Address	<u>unknow</u>
City and County	<u>Henderson, Clark Contyu</u>
State and Zip Code	<u>NV</u>
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	<u>Bill Miller</u>
Job or Title (<i>if known</i>)	<u>Vice Presedent of Food and Beverage</u>
Street Address	
City and County	
State and Zip Code	
Telephone Number	<u>702-262-4000</u>
E-mail Address (<i>if known</i>)	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Discrimination, whistle blower retaliation, harassment

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Kelly Landis, is a citizen of the State of (name) NV.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) Shannon Fitzmyer Sujoy Brahma Bill Miller, is a citizen of the State of (name) NV. Or is a citizen of (foreign nation) NV.

b. If the defendant is a corporation

The defendant, (name) Luxor, is incorporated under the laws of the State of (name) NV, and has its principal place of business in the State of (name) NV. Or is incorporated under the laws of (foreign nation) NV, and has its principal place of business in (name) NV.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy \$120,000

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because (explain):

Back pay and benefits

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Beginning on or about April 2014 MR. Brahma and Ms Fitzmyer began harassing me due to my disability, gender, religion, and age. They repeatedly refused to perform their job duties with regard to me. They refused to act on issues of corporate interest when brought to their attention by me. This forced me to repeatedly notify the corporate hotline and various government agencies, possibly resulting in Mr. Brahma's termination. Ms. Fitzmyer then escalated the harassment, in my belief due to her inappropriate personal relationship with Mr. Brahma and her belief that I was the one behind the calls.

On or about October 13, 2015 a coworker (Joseph Aranda) and his girlfriend (Niqui, last name unknown) with the help of beverage manager Roxie Maura and Ms. Fitzgerald, falsified customer complaints against me. I was not allowed to see these complaints and was lied to about the number of complaints. I had confronted Mr. Aranda about his stealing, something he and other coworkers in my work area were ultimately terminated for. They claim the confrontation was "volatile," however, Room Manager Jeff Vaugh (also terminated due to his involvement in the theft) failed to respond AT ANY TIME during the alleged altercation.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am seeking a change in my discharge to a straight resignation, not a termination or resigned in lieu, with proof sent to me in writing. I am seeking the termination of Shannon Fitzmyer and Roxie Maura with no further eligibility to work for MGM International. I am further seeking a sit down to discuss this and other matter occurring at the Luxor with someone as high up as possible in corporate, Jim Murren if possible. Last, I am seeking compensation for the year since I was terminated, my last hourly wage, times 40, 52, plus tip compliance and benefits to be approximately \$120000.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/14/16

Signature of Plaintiff


KELLY M TAYLOR

Printed Name of Plaintiff

B. For Attorneys

Date of signing: _____

Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



Street Address



State and Zip Code



Telephone Number



E-mail Address

